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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,249	12/15/2003	Lorenzo Parrini	P/4309-63	5817

7590

07/12/2006

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EXAMINER
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THOMPSON, HUGH B

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/737,249	Applicant(s) PARRINI ET AL.	
	Examiner Hugh B. Thompson II	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen #6,000,505. Allen, as best seen in Figures 2A-8, and recited in column 5, lines 59-61, column 6, lines 7-47, column 7, lines 17-21, and column 12, lines 45-64 (discussion of load sensors for detecting building occupants), discloses a method for evacuating occupants from an elevator comprising a means for determining of the load capacity (i.e. a number of persons in the building) of an elevator car 20 by means of a elevator controller/control unit 16, that can strategically position multiple elevators during an emergency, hall call stations (unnumbered, column 7, line 50), emergency condition detectors 8, 22, 25, 26, which are interconnected with a CPU capable of identifying signals from the detectors by digital (numeric code) protocol, an elevator/stairway visual indicating means 114, 116, 118, 320, the emergency evacuation sequence of columns 15 and 16, emergency evacuation zone 202, 214, designated floors 188, 206, 208, 210, the method permitting for the evacuation of persons from specific floors and ultimately the entire building.

***Response to Arguments***

Applicant's arguments filed in the Amendment of 6-26-06 have been fully considered but they are not persuasive. Applicant's attention is drawn to page 10 of the remarks, as well as

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claims 1 and 14. The applicants' claims now specifically recite a method for "***determining substantially the total number of building occupants in the building***". The Examiner appreciates applicants' position, however, the additional recitation "substantially the total number of building occupants", does not impart any patentably distinct features to the claims. In its simplest form, determining the total number of building occupants during an emergency would require a total accounting of building occupants prior to the emergency, compared to a total accounting of building occupants after the emergency. There is no claim requirement nor disclosure in the specification that addresses such a scenario. Herein lies the difficulty of what the applicants' are attempting to claim. It is obvious to one of ordinary skill in the art that determining the total number of building occupants can take many forms. The applicant, for example in claim 1, fails to recite any particular manner of determining any amount of building occupants. For that matter, there is no recitation of how the emergency condition is detected or how the evac zone is defined. It is also obvious to one of ordinary skill that that "in case of fire, use stairs". Given the lack of structure or defined ways of determining or detecting or defining, it is unclear as to how the applicant argues that the very broad limitations of claim 1, in particular, are patentable. The same can be said for claim 10. Claims 14 and 19 do recite the means for measuring and means for detecting, however, claims 15 and 22, clearly recite that the means can be at least an elevator load detector (for claim 15), and "includes" a key pad (claim 22). The applicant does not recite a specific means, but rather a selection of means as disclosed in the specification.

The applicant also fails to appreciate that there must be some sort of interaction between the occupants of the building and the destination called keyboards in order for "a number of

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persons” in the building to be determined. The methods claimed do not account for persons that may not be able to use the keyboards. Further, in paragraph 24 of the Specification, the applicant discloses that elevator load sensors can also be used to determine a “rough estimate” of person using the elevator or present on a particular floor. Applicant fails to distinguish any of these different ways to determine “all” building occupants in the claims.

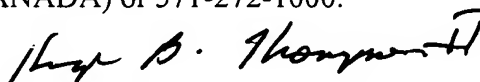
The new claims directed to the key pads have not been structurally defined to be different or function differently from the hall call stations of Allen. As such, the rejection as advanced above is deemed proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (571) 272-6837. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Hugh B. Thompson II  
Primary Examiner  
Art Unit 3634

July 9, 2006